

Amend Section 44-325 to read:

44-325 CHANGES IN AMOUNT OF PAYMENT

44-325

.1 When Change is Effective

Section 44-325.1(QR) shall become inoperative and Section 44-325.1(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) When any change in the recipient's circumstances requires a change in grant, or a discontinuance of aid, the appropriate change or discontinuance is to be made effective in accordance with Section 44-316(QR) as soon as notice can be given pursuant to Sections 22-071(QR) and 22-072(QR).

(SAR) When any change in the recipient's circumstances requires a change in grant, or a discontinuance of aid, the appropriate change or discontinuance is to be made effective in accordance with Section 44-316(SAR) as soon as notice can be given pursuant to Sections 22-071(SAR) and 22-072(SAR).

.2 Discontinuance

Section 44-325.2(QR) shall become inoperative and Section 44-325.2(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) If a recipient's circumstances change to the extent that he no longer meets the eligibility requirements, aid shall be discontinued in accordance with Section 44-316.3(QR). (See Section 40-183.4 regarding appropriate action when the recipient is no longer eligible for cash grant but remains eligible for medical assistance as a medically needy person).

(SAR) If a recipient's circumstances change to the extent that he no longer meets the eligibility requirements, aid shall be discontinued in accordance with Section 44-316.3(SAR). (See Section 40-183.4 regarding appropriate action when the recipient is no longer eligible for cash grant but remains eligible for medical assistance as a medically needy person).

.3 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11006.2, 11265.1, 11265.2, and 11265.3, Welfare and Institutions Code.

Amend Section 44-327 to read:

44-327 DELAYED PAYMENT

44-327

When a public assistance payment is delayed because of changes in circumstances not related to continuing eligibility or to the correctness of grant, the county shall immediately take whatever action is necessary to determine the changed circumstances and issue the payment at the earliest possible date.

.1 Federal and State Participation

Federal and state participation in CalWORKs is available for the delayed payment only if it is released within whichever of the following occurs first: (Continued)

.2 Factors Causing Delay in Payment (Continued)

.25 Section 44-327.25(QR) shall become inoperative and Section 44-327.25 (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The complete QR 7 (see Section 40-181.241(QR)) is received after the tenth day prior to the end of the submit month regardless of good cause - the first warrant shall be mailed or electronic fund transfer made in accordance with Section 44-305.231(QR).

(SAR) The complete SAR 7 (see Section 40-181.241(SAR)) is received after the tenth day prior to the end of the submit month or the SAWS 2 is received after the 15th day of the submit month, regardless of good cause - the first warrant shall be mailed or electronic fund transfer made in accordance with Section 44-305.231(SAR).

.26 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11006.2, and 11265.1, Welfare and Institutions Code.

Amend Section 44-340 to read:

44-340 UNDERPAYMENTS

44-340

.1 General (Continued)

.13 The county shall take all reasonable steps necessary to correct promptly any underpayment that comes to the county's attention. (Continued)

.133 Section 44-340.133(QR) shall become inoperative and Section 44-340.133 (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) If information reported on the QR 7 results in an increase of cash aid, and the county cannot increase the grant by the first day of the month of the next QR Payment Quarter, a supplement shall be issued for that month, and cash aid increased for the remaining months of that quarter provided that the recipient reported the information timely.

(SAR) If information reported on the SAR 7 or SAWS 2 results in an increase in cash aid, and the county cannot increase the grant by the first day of the month of the next SAR Payment Period, a supplement shall be issued for that month, and cash aid increased for the remaining months of that SAR Payment Period. A supplement will be provided for the month the decrease in income is reported or the month the change actually occurs, whichever is later, after all verification has been provided (see Section 44-316.31(SAR)).

.14 Section 44-340.14(QR) shall become inoperative and Section 44-340.14(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) A mid-quarter supplemental payment resulting from a voluntary mid-quarter report which was correctly computed based on a recalculation of reasonably anticipated income and/or other changed AU circumstances shall not be considered an underpayment and is not subject to an overpayment offset.

(SAR) A mid-period supplemental payment resulting from a voluntary mid-period report which was correctly computed based on a recalculation of reasonably anticipated income and/or other changed AU circumstances shall not be considered an underpayment and is not subject to an overpayment offset.

.2 Investigation of Underpayments (Continued)

.3 Calculating the Underpayments

The calculation of the underpayment is as follows: (Continued)

.32 An underpayment occurs when the AU receives less cash aid than the AU was entitled to receive and would be based on regulations in effect at the time the underpayment occurred.

.321 The county shall not reconcile actual verified income against prospectively budgeted income that was used in the grant calculation as income that was reasonably anticipated at the time benefits were calculated.

.33 Section 44-340.33(QR) shall become inoperative and Section 44-340.33(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) No underpayment shall be established when a change in circumstances occurs or actual income received is less than what was reasonably anticipated during the QR Payment Quarter and the recipient did not voluntarily report the change in circumstances or the decrease of income during the QR Payment Quarter in accordance with Section 44-316.31(QR).

(SAR) No underpayment shall be established when a change in circumstances occurs or actual income received is less than what was reasonably anticipated for the SAR Payment Period and the recipient did not voluntarily report the change in circumstances or the decrease of income during the SAR Payment Period in accordance with Section 44-316.31(SAR).

.4 Correction of the Underpayment (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11004.1, 11265.1, 11265.2, 11265.3, and 11450.5, Welfare and Institutions Code.

Amend Section 44-350 to read:

44-350 OVERPAYMENTS -- GENERAL

44-350

.1 General (Continued)

.17 A supplemental payment which was correctly computed, based on the county's determination of reasonably anticipated income, shall not be subject to an overpayment determination provided that the recipient's report, upon which the county based its determination, was complete and accurate. If there is a computational error, the supplemental payment shall be corrected.

.18 Section 44-350.18(QR) shall become inoperative and Section 44-350.18(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) An overpayment shall not be assessed based on any differences between the amount of income the county reasonably anticipated the recipient would receive during the QR Payment Quarter and the income the recipient actually received during that period, provided the recipient's reports were complete and accurate.

(SAR) An overpayment shall not be assessed based on any differences between the amount of income the county reasonably anticipated the recipient would receive during the SAR Payment Period and the income the recipient actually received during that period, provided the recipient's reports were complete and accurate.

.2 Definitions (in Alphabetical Order) (Continued)

.5 Overpayments Due to the Inability to Provide Ten-Day Notice of Adverse Action

Section 44-350.5(QR) shall become inoperative and Section 44-350.5(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) An overpayment shall be assessed when the AU receives more cash aid than the AU was entitled to receive because the county was unable to provide ten-day notice of an adverse action following receipt of a mandatory recipient report, including the QR 7.

(SAR) An overpayment shall be assessed when the AU receives more cash aid than the AU was entitled to receive because the county was unable to provide ten-day notice of an adverse action following receipt of a mandatory recipient report, including reports on the SAR 7, the SAWS 2, or mandatory mid-period reports of income over the IRT.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11004 (Ch. 270, Stats. 1997), 11004.1, 11056, and 11265.1, Welfare and Institutions Code; Section 37 of AB 444 (Ch. 1022, Stats. 2002); 45 CFR 233.20(a)(13); and Administration for Children and Families (ACF) Action Transmittals (AT) 94-11 and 94-20; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 44-352 to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.1 Calculation of the Overpayment (Continued)

.11 Overpayment due to "excess property"

.111 Section 44-352.111(QR) shall become inoperative and Section 44-352.111 (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Unless the excess property was spent down prior to the first day of the next QR Payment Quarter, which followed the QR 7 on which the excess property should have been reported, the county shall determine an excess property overpayment based on an accurate report and/or correct county action when:

(QR) (a) Property information that should have been reported on the QR 7 was not reported; or

(QR) (b) The county failed to act correctly on property information reported on the QR 7. Also see Section 40-125.951.

(SAR) Unless the excess property was spent down prior to the first day of the next SAR Payment Period, which followed the SAR 7 or SAWS 2 on which the excess property should have been reported, the county shall determine an excess property overpayment based on an accurate report and/or correct county action when:

(SAR) (a) Property information that should have been reported on the SAR 7 or SAWS 2 was not reported; or

(SAR) (b) The county failed to act correctly on property information reported on the SAR 7 or SAWS 2. Also see Section 40-125.951.

.112 When a recipient has held property in excess of eligibility limits, the overpayment shall be calculated as follows:

(a) Determine the period of time in which the recipient held property exceeding the property maximums. (Continued)

(2) Section 44-352.112(a)(2)(QR) shall become inoperative and 44-352.112(a)(2)(SAR) shall become operative in a county on the date that SAR becomes effective in that county pursuant to the County's SAR Declaration.

- (QR) The first month that can be determined for this period of excess property is the first month of the QR Payment Quarter following the QR 7 in which the excess property was required to be reported.
- (SAR) The first month that can be determined for this period of excess property is the first month of the SAR Payment Period following the SAR 7 or SAWS 2 in which the excess property was required to be reported.
- (b) (Continued)
- (e) If the county determines that the recipient received aid in "good faith", in accordance with .112(d) above, the amount of the overpayment is the lesser of the amount of excess property calculated in .112(b) above or the total grant paid as calculated in .112(c) above.

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- (1) Recipient owned several stocks which fluctuated in value. At the time of her eligibility determination in January the combined value of her property, including stocks, was computed to be \$1,850. She was granted aid of \$100 per month. At her redetermination the following January, her property was investigated in detail. It was found that twice during the prior year her total property value had exceeded the property limit, both times due to fluctuations in stock value. However, neither occurrence had taken place in a Data Month, so the recipient was not mandated to report this fluctuation in income. There is no overpayment in this situation.
- (2) Handbook Section 44-352.112(e)(2)(SAR) shall become operative in a county on the date that SAR becomes effective in that county pursuant to the County's SAR Declaration.
- (SAR) Recipient is in an August through January SAR Payment Period and receives a \$400 monthly grant. She owns several stocks which fluctuate in value, but have always been reported as worth less than \$2,000. At the time of her annual redetermination in January, her property is investigated in detail. It is discovered that beginning in April of the previous year, her stocks increased in worth to \$2,500. On her June SAR 7, submitted timely on July 8, she should have reported the increased value of the stocks and the county would have taken action to discontinue the recipient effective July 31, the end of that SAR Payment Period, for being over the property limit. The stocks dropped down in value to \$1,800 in October. The ineligible months are August through October. The county

determines that the recipient did not know that she was over the property limits and that she received aid in "good faith."

The total grant paid for the ineligible months is \$1,200. The amount by which the excess property exceeded the property limit in the month the property value was the highest was \$500. The overpayment to be recouped is the lesser amount, in this case, \$500.

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(f) (Continued)

.12 Overpayment due to income or need or circumstances other than excess property.

An overpayment shall be assessed when an AU receives more cash aid than entitled to as a result of not reporting income or circumstances timely, or the county does not act correctly on a recipient report, or the county did not act timely. The county shall redetermine the cash aid the recipient should have received based on the required report and correct county action.

.121 (Continued)

(a) (Continued)

- (1) If a recipient fails to report income timely or the county fails to act correctly or timely on a recipient report, the county shall redetermine the cash aid the recipient should have received based on an accurate report and correct county action. If the recalculation results in an overpayment, the date that the overpayment begins is the first date that the change would have been made if timely and correct action had been taken based on the complete, timely and accurate recipient report.
- (2) When recomputing cash aid results in an overpayment, the county shall recreate case circumstances using the correct county processing time frames based on what the recipient should have reported.

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Handbook Section 44-352.121(a)(2)(QR) shall become inoperative and Handbook Section 44-352.121(a)(2)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to County's SAR Declaration.

(QR) In the quarter designated as October/November/December 2004, the county determines through an IEVS match that an AU had income that exceeded the IRT early January 2005 (January 5). (The quarter in which the income was received was January/February/March). The AU is still receiving the same level of income in the current July/August/September 2005 quarter and has never reported the income in a mid-quarter report or on any of the QR 7s that have been submitted. The county determines that the AU should have reported this change by January 15, and should have been discontinued due to financial ineligibility effective January 31. The AU should be discontinued with a 10-day notice and an overpayment would be established beginning February 1 through the month of discontinuance.

(SAR) In the SAR Payment Period designated as July through December, an AU has no income and is receiving the Maximum Aid Payment amount. On October 10, the county determines through an IEVS match that the AU got income that exceeded the IRT beginning on January 5 of the previous SAR Payment Period. The AU is still receiving the same level of income in the current SAR Payment Period and has never reported the income on a mid-period report or on the SAR 7 that was submitted in June. The county determines that the AU should have reported this change by January 15, and should have had their grant decreased due to the increased income effective January 31. The AU's grant shall be decreased on November 1, with a 10-day notice, and an overpayment would be established for February through October.

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(b) (Continued)

.125 The total overpayment is the sum of all amounts calculated in Section 44-352.124.

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EXAMPLES

<u>Factors</u>		<u>Computations</u>	
	<u>Aid Paid</u>	(.121) <u>Correct Grant</u>	(.125) <u>Overpayment</u>
1.			
Earned Income		\$1,025	
Reported Income		1,025	
Income Disregard		<u>- 112</u>	
Subtotal		913	
50% Earned Income Disregard		<u>- 457</u>	
Total Net Nonexempt Income		456	
MAP for Five	\$860	\$ 860	
Total Net Nonexempt Income		<u>- 456</u>	
Aid Payment	\$860	\$ 336	
Potential Overpayment (Aid Paid Less Correct Grant)			\$ 860 <u>- 336</u> \$ 524
2.			
Earned Income		\$ 500	
Reported Income		\$ 500	
Income Disregard		<u>- 112</u>	
Subtotal		388	
50% Earned Income Disregard		<u>- 194</u>	
Total Net Nonexempt Income		194	
MAP for Three	\$638	\$ 638	
Total Net Nonexempt Income		<u>- 194</u>	
Aid Payment	\$638	444	
Overpayment (Aid Paid Less Correct Grant)			\$ 638 <u>- 444</u> \$ 194

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.2 Amount That Can Be Recovered (Continued)

.4 Methods of Recovery (Continued)

.41 Grant Adjustments

Section 44-352.41(QR) shall become inoperative and Section 44-352.41(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

- (QR) Under QR/PB, recoupment by grant adjustment shall only be initiated at the beginning of a QR Payment Quarter. Grant adjustment shall be discontinued mid-quarter when the debt is paid in full. A new overpayment collection may continue mid-quarter by grant adjustment if the new collection of the overpayment does not decrease aid mid-quarter.
- (SAR) Under SAR, recoupment by grant adjustment shall only be initiated at the beginning of a SAR Payment Period. Grant adjustment shall be discontinued mid-period when the debt is paid in full. A new overpayment collection may continue mid-period by grant adjustment if the new collection of the overpayment does not decrease aid mid-period.

.42 (Continued)

Authority cited: Sections 10553, 10554, and 11004(h), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11004, 11004.1, 11008 (Ch. 270, Stats. 1997), 11017, 11155, 11155.1, 11155.2, 11257, 11265.1, 11265.2, 11450, 11450.5, 11451.5, 11452, 11453, and 11453.2, Welfare and Institutions Code; Darces v. Woods (1984) 35 Cal.3rd 871:201 Cal.Rptr. 807, and Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995.

Repeal Section 44-400 to read:

44-400 REDUCED INCOME SUPPLEMENTAL PAYMENTS 44-400

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 37 of AB 444 (Chapter 1022, Statutes of 2002).

Repeal Section 44-401 to read:

44-401 ELIGIBILITY FOR A REDUCED INCOME SUPPLEMENTAL PAYMENT 44-401

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 37 of AB 444 (Chapter 1022, Statutes of 2002).

Repeal Section 44-402 to read:

44-402 COMPUTATION OF A REDUCED INCOME 44-402
 SUPPLEMENTAL PAYMENT

Authority cited: Sections 10553, 10554, 11450, and 11453, Welfare and Institutions Code.

Reference: Sections 11008, 11017, 11255, 11450, 11450.015, 11450.12, 11450.2, and 11451.5, (Ch. 270, Stats. 1997), Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); 45 CFR 237.27; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

Repeal Section 44-403 to read:

44-403 CWD RESPONSIBILITIES 44-403

Amend Section 47-220 to read:

47-220 ELIGIBLE CLIENTS (Continued)

47-220

.3 Other Stage One Clients Stage One child care shall also be paid for the following individuals:

.31 Reserved

.32 Clients During Penalty/Sanction (Continued)
Months

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 U.S.C. 601 et seq., 42 U.S.C. 607(c)(1)(B)(ii); 42 U.S.C. 609(a)(3); 42 U.S.C. 9858i(a)(2)(A); 42 U.S.C. 9801 Note (b)(4); Sections 8263, 8350.5, 8351(c), 8353, 8354 and 8357, Education Code; Sections 10540, 10544, 11265.2, 11266.5, 11320.3, 11322.8, 11323.2 and 11323.8, Welfare and Institutions Code.

Amend Section 47-320 to read:

47-320 INFORMATION COLLECTION (Continued)

47-320

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|-----|---------------------------------------|--|
| .2 | Client Responsibility | The following information shall be provided by the client: (Continued) |
| .27 | Change in Family Size and Composition | Information about changes in family size and composition when an absent parent of a child receiving child care moves into the home or another child moves into the home, including newborns; or |
| .28 | Change in Family Income | Information about changes in income that result in the family income reaching or exceeding the family fee thresholds provided in the Family Fee Schedule established by the Superintendent of Public Instruction pursuant to Education Code Section 8263. (See Handbook Section 47-401.8). Information about changes in income that reduce or eliminate the family fee shall also be reported. |

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 U.S.C. 9858i(a)(2)(A) and (a)(2)(E); 45 CFR 98.20(a)(1)(ii); 45 CFR 98.71(a) and (b); Sections 8208.1, 8263, 8352 and 8357, Education Code; Sections 11054 and 11323.2, Welfare and Institutions Code.

Amend Section 48-001 to read:

48-001 COUNTY DEPARTMENT RESPONSIBILITY FOR RECORDS

48-001

- .1 The county shall maintain a record for each applicant and recipient which identifies each individual and family, their address and household composition for CalWORKs. The record shall identify each child and his/her parents, their address and household composition. (See Section 20-005 on record requirements for fraud cases.) The record shall also include:

.11 Records - Eligibility and Grant

- .111 The appropriate Form SAWS 2 completed by or on behalf of the applicant.
(Continued)

- .114 Section 48-001.114(QR) shall become inoperative and Section 48-001.114 (SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

- (QR) The basis for county action granting, denying, changing, not changing following a recipient mid-quarter report, delaying, cancelling, or discontinuing aid.

- (SAR) The basis for county action granting, denying, changing, not changing following a recipient mid-period report, delaying, cancelling, or discontinuing aid.

- .115 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11265.3, Welfare and Institutions Code.

Amend Section 80-301 to read:

80-301 DEFINITIONS

80-301

The following definitions apply to the regulations in Divisions 40 through 50 and 80 through 90.

(a) (1) Aid Payment

"Aid Payment" means any payment made to an AU.

(2) Aid to Families with
Dependent Children

"AFDC" means the financial aid program for needy children and their parents or caretaker relatives when the children lack parental support and care. This term refers to the program in general, regardless of source of funding. As of 1996, cash aid/welfare operates under Temporary Assistance to Needy Families (TANF), rather than AFDC. TANF in California is called California Work Opportunity and Responsibility to Kids (CalWORKs), and became effective on January 1, 1998.

(3) Aid to Families with
Dependent Children -
Foster Care (AFDC-FC)

"AFDC-FC" means the part of the AFDC program which provides aid to children in Foster Care. (Note: Even though AFDC is no longer the operating cash aid/welfare system, Foster Care still operates as part of the AFDC program.)

(4) Alternatively
Sentenced Parent (ASP)

(Continued)

(5) Applicant

(Continued)

(6) Applicant Child

(Continued)

(7) Assistance Unit (AU)

"AU" means a group of related persons living in the same home who have been determined eligible for CalWORKs and for whom cash aid has been authorized.

(b) (Continued)

- (c) (4) Collect "Collect" means to regain TANF funds which are overpaid to a person by using collection methods other than grant adjustments. (Continued)
- (6) Section 80-301(c)(6)(QR) shall become inoperative and Section 80-301(c)(6)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (QR) County Initiated Actions "County Initiated Actions" means Mid-quarter actions that the county is required to take pursuant to Section 44-316.33(QR).
- (SAR) County-Initiated Actions "County-Initiated Actions" means mid-period actions that the county is required to take pursuant to Section 44-316.33(SAR).
- (d) (Continued)
- (g) (1) GAIN "GAIN" means the Greater Avenues for Independence program which is a comprehensive statewide employment program for AFDC applicants and recipients. (GAIN was replaced by the Welfare to Work (WTW) program at the same time that AFDC was replaced with TANF in 1996.) (Continued)
- (3) Grant Adjust "Grant Adjust" means to regain TANF funds which were overpaid to an AU by reducing the aid payment.

(h) (Continued)

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- (i) (1) Immediate Need Payment "Immediate Need Payment" means an aid payment made in advance of a completed determination of eligibility for CalWORKs when specific criteria are met.

(2) (Continued)

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(j) (Continued)

(m)	(2)	Section 80-301(m)(2)(QR) shall become inoperative and Section 80-301(m)(2)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
(QR)	Mandatory Recipient Reports	"Mandatory Recipient Reports" means mid-quarter reports that recipients are required to make within ten days of occurrence to the county pursuant to Section 44-316.32(QR).
(SAR)	Mandatory Mid-Period Reports	"Mandatory Mid-Period Reports" means mid-period reports that recipients are required to make within ten days of occurrence to the county pursuant to Section 44-316.32(SAR).
	(3) (Continued)	
	(4)	Section 80-301(m)(4)(QR) shall become inoperative and Section 80-301(m)(4)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
(QR)	Mid-Quarter Reports	"Mid-Quarter Reports" means any change reported during the QR Payment Quarter outside of the QR 7 report process.
(SAR)	Mid-Period Reports	"Mid-Period Reports" means any change reported during the SAR Payment Period outside of the SAR 7 or SAWS 2 reporting process.
	(5) (Continued)	
(r)	(1) Recipient	"Recipient" means a person who is receiving CalWORKs.
	(A)	(Continued)
	2.	the county signs authorization documents to approve the application for CalWORKs.

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- (B) An applicant who has been approved for an immediate need and/or homeless assistance payment based on his/her apparent eligibility is not considered to be a recipient, as specified in Section 40-129. In these cases, the county has not signed authorization documents to approve the CalWORKs application.

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- (2) (Continued)
- (s) (3) Section 80-301(s)(3)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (SAR) Semi-Annual Report Under the SAR reporting system, a semi-annual eligibility report is due every six months: one SAR 7 and one SAWS 2 per year. A SAR 7 is due in the sixth (6th) month of the SAR Payment Period after the application or annual redetermination of eligibility (SAWS 2) is completed.
- (4) Section 80-301(s)(4)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
- (SAR) Semi-Annual Reporting (SAR) SAR is the reporting system that will replace Quarterly Reporting in counties in between April and October of 2013. Under SAR, in addition to certain mandatory mid-period reports, recipients will only have to submit an eligibility report every six months (one SAWS 2 and one SAR 7 per year).
- (5) Senior Parent (Continued)
- (6) Sibling (Continued)
- (7) Sponsored Non-eCitizen (Continued)

(8) California Department of Social Services (CDSS)	"CDSS" means the state department which supervises the counties in the administration of the CalWORKs program. Also referred to as DSS or the Department.
(9) Statement of Facts	"Statement of Facts" means the CW 8 (Rev. 3/13), CW 8A (Rev.4/13), SAR 22 (Rev. 3/13), SAR 23 (Rev. 3/13), CW 42 (Rev. 11/06) or the SAWS 2 (Rev. 4/13) are the state required forms used to collect the information necessary to determine a family's eligibility. See Section 80-310 for title and definition of forms.
(10) Statewide Fingerprint Imaging System (SFIS)	(Continued)
(11) Stepparent	(Continued)
(12) Strike	(Continued)
(13) Striker	(Continued)
(14) Supplemental Security Income/State Supplementary Program	(Continued)
(v) (1)	Section 80-301(v)(1)(QR) shall become inoperative and Section 80-301(v)(1)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
(QR) Voluntary Recipient Reports	"Voluntary Recipient Reports" means mid-quarter reports that recipients may make to the county pursuant to Section 44-316.31(QR).
(SAR) Voluntary Recipient Reports	"Voluntary Recipient Reports" means mid-period reports that recipients may make to the county pursuant to Section 44-316.31(SAR).
(w) (Continued)	

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10054, 10058, 10063, 10553, 10554, 10604, 10830, 11008.13, 11008.14, 11023.5, 11051, 11054, 11201, 11203, 11250, 11250.4, 11265.2, 11265.3, 11266, 11269, 11320, 11400, 11450, 11486, 16501.1, and 16507, Welfare and Institutions Code; Sections 297, 297.5, 298.5, and 299.2, Family Code; 8 CFR 213a. and 299; 45 CFR 201.3, 206.10, 224.51, 232.12, 233.10, 233.106, 233.20, 233.51, 233.60, 233.90, 237.50, 255, and 266.10; 42 USC 402(a)(6) and 606(a); and SSA-AT-86-01; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 80-310 to read:

Post-Hearing: Amend Sections 80-310 to read:

80-310 DEFINITIONS – FORMS

80-310

The following forms apply to the regulations in Divisions 40 through 50 and 80 through 89.
(Continued)

(c) (1) CCP 1

(Continued)

(2) CCP 4

(Continued)

(3) CCP 6

(Continued)

(4) CW 2.1 ~~NA~~

The "Notice and Agreement for Child, / Spousal and Medical Support ~~Notice and Agreement~~" (Rev. 8/04) is used to inform the applicant of his/her responsibility to participate in the support enforcement process and of his/her right to claim exemption from participation. This form replaces the CA 2.1 NA.

(5) CW 2.1 (Q)

The "Support Questionnaire" (Rev. 7/01) is used to collect information about the absent parent. This form replaces the CA 2.1 Q.

(6) CW 8

The "Statement of Facts for an Additional Persons" (Rev. 3/13) is used to collect the information necessary to determine eligibility when adding a person to an existing CalWORKs case. This form replaces the CA 8.

(7) CW 8A

The "Statement of Facts to Add a Child Under Age 16 Years" (Rev. 4/13) is used to collect the information necessary to determine eligibility when adding a child under 16 to an existing CalWORKs case. This form replaces the CA 8A.

(8) CW 13

The "Caretaker Relative Agreement" (Rev. 9/02) is used to designate the caretaker relative as agreed by two persons who live in separate homes when both could qualify as the caretaker relative of a child. This form replaces the CA 13.

(QR) (9) CW 23

Section 80-310(c)(9)(QR) shall become inoperative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

The "Senior Parent(s)/~~Legal—Guardian(s)~~ Statement of Facts" (Rev. 3/00) is used to collect information about the senior parent/legal guardian's income to determine a minor parent's eligibility. This form replaces the CA 23. Once SAR is implemented, the CW 23 will be replaced with the SAR 23.

(SAR) (10) CW 25A

Section 80-310(c)(10)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

The "Payee Agreement For Minor Parent" (Rev. 2/13) is used in minor parent cases to delegate an adult payee. This form will replace the QR 25A once SAR is implemented in each county.

(SAR) (11) CW 29

Section 80-310(c)(11)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

The "Applicant Test" (Rev. 1/13) is used to determine if the applicant is eligible for Cash Aid. This form will replace the QR 29 once SAR is implemented in each county.

(SAR) (12) CW 30

Section 80-310(c)(12)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

The "CalWORKs Budget Worksheet" (Rev. 4/13) is used to determine the aid payment amount for the AU. This form replaces the QR 30.

(13) CW 42

The "Statement of Facts ~~for~~ = Homeless Assistance (Rev. 11/06)" is used to gather information to determine eligibility for non-

recurring special need for homeless assistance. This form replaces the CA 42.

(14) CW 371

The "Referral to Local Child Support Agency (LCSA)" (Rev. 7/01) is used to refer cases to the Local Child Support Agency for child support enforcement purposes. This form replaces the CA 371.

(SAR) (15) CW 2103

Section 80-310(c)(14)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

The "Reminder for Teens Turning 18 Years Old" (Rev. 2/13) is used to inform recipient children who will be turning 18 within 60 days of the requirements for continued eligibility. This form will replace the QR 2103 once SAR is implemented in each county.

(d) (Continued)

(j) (Reserved)

(k) through (p) (Reserved)

(q)

Sections 80-310(q)(1)(QR) through (11)(QR) shall become inoperative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) (1) QR 2

The "Reporting Changes for ~~Your~~ Cash Aid ~~Assistance Unit~~ and Food Stamps ~~Households~~" (Rev. ~~4/03~~ 6/04) may be used to inform the recipient of their Income Reporting Threshold (IRT) and reporting responsibilities.

(QR) (2) QR 3

The "Mid-Quarter Status Report" (Rev. ~~4/03~~ 7/06) may be used by recipients to report mandatory and/or voluntary mid-quarter changes in writing. Clients are not mandated to use this form and counties shall also accept mid-quarter reports that are submitted in a manner other than on the QR 3.

(QR) (3) QR 7	The " Quarterly Eligibility/Status Report" (Rev. 4/03 <u>12/08</u>) is used to collect information to determine eligibility and benefits for cash aid and food stamps. The QR 7 comes with an addendum that lists examples of income and expenses and the penalties for fraud.
(QR) (4) QR 7A	The "How to Fill Out Your QR 7 Quarterly Eligibility/Status Report" (Rev. 4/03 <u>8/09</u>) instructs recipients on how to fill out the Quarterly Report (QR 7). The QR 7A shall be given to applicants at the time of application and to recipients at each annual redetermination. The form shall also be made available anytime the client requests it.
(QR) (5) QR 22	The "Sponsor's Statement of Facts Income and Resources (Supplemental Application For Food Stamps And Cash Aid)" (Rev. 7/04 <u>12/06</u>) is used to collect necessary information about a non-citizen's sponsor for determining eligibility for the non-citizen.
(QR) (6) QR 25A	The "Payee Agreement For Minor Parent" (Rev. 5/04) is used in minor parent cases to delegate an adult payee.
(QR) (7) QR 29	The "Applicant Test" (Rev. 5/04) is used to determine if the applicant is eligible for Cash Aid.
(QR) (8) QR 30	The "CalWORKs Budget Worksheet" (Rev. 6/04 <u>9/11</u>) is used to determine the aid payment amount for the AU.
(QR) (9) QR 72	The "Sponsor's Quarterly Income and Resources Report" (Rev. 5/04 <u>12/06</u>) is used to gather necessary information each quarter from a non-citizen's sponsor that is used to determine continuing eligibility and grant level for the non-citizen.
(QR) (10) QR 73	The "Senior Parent Quarterly Income Report" (Rev. 6/04) is used to collect necessary information from the senior parent to determine

	continuing eligibility and grant levels for the minor parent.
(QR) (11) QR 2103	The "Reminder for Teens Turning 18 Years Old" (Rev. 10/03 <u>11/11</u>) is used to inform recipient children who will be turning 18 within 60 days of the requirements for continued eligibility.
(r) (Reserved)	
(s)	Sections 80-310(s)(1)(SAR) through (s)(10)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
(SAR) (1) SAR 2	The "Reporting Changes for Your Cash Aid Assistance Unit and CalFresh Households " (Rev. 10/12 <u>11/13</u>) may be used to inform the recipient of their Income Reporting Threshold (IRT) and reporting responsibilities. This form replaces the QR 2.
(SAR) (2) SAR 3	The "Mid-Period Status Report" (Rev. 4/13) may be used by recipients to report mandatory and/or voluntary mid-period changes in writing. Clients are not mandated to use this form and counties shall also accept mid-period reports that are submitted in a manner other than on the SAR 3. This form replaces the QR 3.
(SAR) (3) SAR 7	The " <u>SAR 7</u> Semi-Annual Eligibility / Status Report" (Rev. 4/13 <u>8/13</u>) is used to collect information to determine eligibility and benefits for cash aid and CalFresh in the six month period in which the SAWS 2 is not due. The SAR 7 comes with an addendum that lists examples of income and expenses and the penalties for fraud. This form replaces the QR 7.
(SAR) (4) SAR 7A	The "How to Fill Out Your SAR 7 Semi-Annual Eligibility / Status Report" (Rev. 10/12 <u>9/13</u>) instructs recipients on how to fill out the Semi-Annual Report (SAR 7 <u>Eligibility Status Report</u>). The SAR 7A shall be given to applicants at the time of application and mailed to recipients along with their SAR 7 report. The form shall

also be made available anytime the client requests it. This form replaces the QR 7A.

(SAR) (5) SAR 7 Addendum

The "Instructions and Penalties ~~for the SAR 7~~ Eligibility / Status Report" (Rev. 4/13) is used to help recipients fill out the SAR 7 by giving them examples of types of income, property, housing costs and expenses. This form also informs recipients of the penalties for cash aid and CalFresh fraud. This form replaces the QR 7 Addendum.

(SAR) (6) SAR 22

The "Sponsor's Statement of Facts Income and Resources (~~Supplemental to the SAWS 2,~~ Application For CalFresh And Cash Aid)" (Rev. ~~4~~ 3/13) is used to collect necessary information about a non-citizen's sponsor for determining eligibility for the non-citizen. The SAR 22 must be completed in addition to the SAWS 2 when a recipient is a sponsored non-citizen. This form replaces the QR 22.

(SAR) (7) SAR 23

The "Senior Parent(s)/~~Legal—Guardian(s)~~ Statement of Facts" (Rev.~~4~~ 3/13) is used to collect information about the senior parent/legal guardian's income to determine a minor parent's eligibility. This form replaces the CW 23.

(SAR) (8) SAR 72

The "Sponsor's Semi-Annual Income and Resources Report" (Rev. ~~4~~ 3/13) is used to gather necessary information during the semi-annual period in which a SAWS 2 is not due from a non-citizen's sponsor that is used to determine continuing eligibility and grant level for the non-citizen.

(SAR) (9) SAR 73

The "Senior Parent Semi-Annual Income Report" (Rev. 3/13) is used to collect necessary information during the semi-annual period in which a SAWS 2 is not due from the senior parent to determine continuing eligibility and grant levels for the minor parent.

(10)SAWS 1

The "Initial Application for CalFresh, Cash Aid, ~~Food Stamps~~ and/or Medi-Cal/~~State CMSP~~ Health Care Programs" (Rev. ~~12/06~~ 8/13) is used

to request public assistance, including CalWORKs, and CalFresh (previously Food Stamps), and ~~Medical Assistance~~ along with Medi-Cal and other health coverage.

(11)SAWS 2	The "Statement of Facts for Cash Aid, CalFresh and Medi-Cal/34-County Medical Services Program (CMSP)" (Rev. 4/13) is used as a multipurpose form to gather information necessary to determine eligibility for CalWORKs, CalFresh, and Medi-Cal. The SAWS 2 is also used at one-year intervals to redetermine eligibility and determine benefit amounts for the upcoming payment period.
(12)	Section 80-310(s)(11)(QR) shall become inoperative and Section 80-310(s)(11)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.
(QR) SAWS 2A-QR	The "Rights, Responsibilities and Other Important Information" (Rev. 8/03 <u>9/11</u>) is used to inform applicants and recipients of their rights and responsibilities.
(SAR) SAWS 2A SAR	The "Rights, Responsibilities and Other Important Information" (Rev. 4/13) is used to inform applicants and recipients of their rights and responsibilities.
(13)SCC 6	(Continued)
(14)SOC 158A	(Continued)
(15)SOC 809	(Continued)
(t) (1) TEMP 2189	(Continued)
(5)	Section 80-310(t)(5)(QR) shall become inoperative and Section 80-310(t)(5)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) TEMP QR 1

The "New Reporting Requirements for CalWORKs and Food Stamp Recipients" (Rev. 8/03) is a mass informing notice sent to recipients on a monthly basis for a period of three months before and three months after implementation of QR/PB. The informing notice shall be given to applicants who apply during the reporting transition. This notice explains the change from monthly reporting to quarterly reporting.

(SAR) TEMP SAR 1

The "New Reporting Requirements for ~~CalWORKs~~ Cash Aid and CalFresh Recipients" (Rev. ~~10/12~~ 9/13) is a mass informing notice sent to recipients prior to the implementation of SAR. The informing notice shall be given to applicants who apply during the reporting transition. This notice explains the change from quarterly reporting to semi-annual reporting.

(6) TLR 1

(Continued)

(u) through (z) (Reserved)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 206.10(a)(8); Sections 10553, 10950, 11054, 11265.1, 11265.2, 11265.3, 11450(b), 12300, 12300.2, 12304, 12304.5, and 14132.95, Welfare and Institutions Code; Judgment Re: Tyler v. Anderson, Sacramento Superior Court Case No. 376230, dated January 22, 1999; 8 USC Section 1631; and 1798.17, Civil Code.

Amend Section 82-612 to read:

82-612 UNEMPLOYMENT INSURANCE BENEFITS (UIB) (Continued) 82-612

.3 Date of Discontinuance Section 82-612.3(QR) shall become inoperative and Section 82-612.3(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) The county shall discontinue the AU at the end of the QR Payment Quarter in which a person who is required to apply for or accept UIB fails to do so, or fails to meet one of the eligibility conditions in Section 82-612.7.

(SAR) The county shall discontinue the AU at the end of the SAR Payment Period in which a person who is required to apply for or accept UIB fails to do so, or fails to meet one of the eligibility conditions in Section 82-612.7.

.4 Reestablish UIB Eligibility (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11265.2 and 11270, Welfare and Institutions Code and 45 CFR 233.20(a)(3)(ix).

Amend Section 82-812 to read:

82-812 TEMPORARY ABSENCE (Continued)

82-812

.6 Exceptions to One Full Calendar
Month Time Limitation

Exceptions include: (Continued)

.68

Children Receiving Out-of-Home Care
(Continued)

.687

The following are eligibility and reporting
requirements that will apply to the family
reunification parent.

(a)

Section 82-812.687(a)(QR) shall become
inoperative and Section 82-812.687(a)(SAR)
shall become operative in a county on the date
SAR becomes effective in that county, pursuant
to the County's SAR Declaration.

(QR)

Quarterly eligibility reporting requirements for
reunification cases are set forth in Section 40-
181.223(QR).

(SAR)

Semi-Annual eligibility reporting requirements
for reunification cases are set forth in Section 40-
181.223(SAR).

(b)

(Continued)

(e)

Pursuant to Section 42-711.512 and Section 42-
721.13, reunification parents who are in a WTW
Sanction, are not precluded from receiving
CalWORKs reunification services. (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11203, 11269, 11323.4, 11327.5(d), and 11454, Welfare and
Institutions Code; and 42 USC 608(a)(10).

Amend Section 82-820 to read:

82-820 INCLUDED PERSONS

82-820

- | | |
|---|--|
| .1 Assistance Unit | An AU shall be established when all eligibility factors have been met and aid has been authorized. |
| .2 Minimum Requirements | An AU shall have at least one of the following:
(Continued) |
| .24 Relative of WTW
Sanctioned Child | A relative of a child who is sanctioned by WTW. |
| .3 Mandatory Inclusion | Section 82-820.3(QR) shall become inoperative and Section 82-820.3(SAR) shall become operative in a county on the date that SAR becomes effective in that county, pursuant to the County's SAR Declaration. |
| (QR) | The AU shall include the following persons when living in the same home and eligible at the time of initial family application (see Section 44-317) or at the beginning of the QR Payment Quarter following the mandatory reporting of the individual on the QR 7 (see Section 44-318): |
| (SAR) | The AU shall include the following persons when living in the same home and eligible at the time of initial family application (see Section 44-317) or at the beginning of the SAR Payment Period following the mandatory reporting of the individual on the SAR 7 or SAWS 2 (see Section 44-318): |
| .31 Applicant Child | (Continued) |
| .5 Penalty | The county shall deny the application or discontinue CalWORKs when a mandatorily included person refuses to be included. |

[Previous Cites: 44-205.1, 44-205.4 and 44-205.51]

Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code.

Reference: 42 USCA 606; 45 CFR 206.10(a)(1); 45 CFR 233.10(a)(1), (a)(1)(iv) and (vii); 45 CFR 233.90(c)(1)(v)(A); 45 CFR 237.50(b)(5); 45 CFR 250.34; SSA-AT-86-01; Section 242, California Civil Code; Edwards v. Healy, Civ. S. 91-1473 DFL (1992); Sections 10553, 10554, 10604, 11000, 11254, 11265.3, 11400, 11450, and 11450.16, Welfare and Institutions Code; and ACF-AT-94-5; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 82-824 to read:

82-824 ASSISTANCE UNITS THAT SHALL BE COMBINED

82-824

.1 Combining AUs

Two or more AUs in the same home shall be combined into one AU when: (Continued)

.14

Section 82-824.14(QR) et seq. shall become inoperative and Section 82-824.14(SAR) et seq. shall become operative in a county on the date that SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) .14 Combining AUs Mid-Quarter

(QR) .141

When a voluntary report is made that would combine separate AUs mid-quarter, the county shall determine if the mid-quarter action of combining the AUs would increase or decrease aid for the separate AUs.

(QR) .142

The county shall compare the monthly grant for the combined AUs to the total combined monthly grants of the separate AUs.

(QR) .143

If the combined AU's monthly grant would be higher than the total combined monthly grant of two separate AUs, the county shall take mid-quarter action to combine the AUs the first of the month following the voluntary report.

(QR) .144

If the combined AU's monthly grant does not result in an increase to the total combined monthly grant of the separate AUs, the county shall not take mid-quarter action to combine the AUs. The combining of the separate AUs shall be effective the first of the next QR Payment Quarter, after the change(s) is reported on the QR 7.

(SAR) .14 Combining AUs Mid-Period

(SAR) .141

When a voluntary report is made that would combine separate AUs mid-period, the county shall determine if the mid-period action of

combining the AUs would increase or decrease aid for the separate AUs.

(SAR) .142

The county shall compare the monthly grant for the combined AUs to the total combined monthly grants of the separate AUs.

(SAR) .143

If the combined AU's monthly grant would be higher than the total combined monthly grant of two separate AUs, the county shall take mid-period action to combine the AUs the first of the month following the voluntary report.

(SAR) .144

If the combined AU's monthly grant does not result in an increase to the total combined monthly grant of the separate AUs, the county shall not take mid-period action to combine the AUs. The combining of the separate AUs shall be effective the first of the next SAR Payment Period, after the change(s) is reported on the SAR 7 or SAWS 2.

[Previous Cite: 44-205.3]

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 206.10(a)(1); 45 CFR 233.90; 45 CFR 237.50(b)(5); United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. SSA-AT-86-1; Section 242, California Civil Code; Anderson v. Edwards 115 S.Ct. 1291 (1995); and Sections 10553, 10554, 10604, 11000, 11265.3, and 11450, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 82-832 to read:

82-832 EXCLUDED PERSONS (Continued)

82-832

.3 Add a Person Who Becomes
Ineligible Prior to Authorization
of Aid

Section 82-832.3(QR) shall become inoperative and Section 82-832.3(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR)

A new person who has been mandatorily reported on the QR 7 and determined eligible based on the QR 7 information, shall be treated as an excluded person for the next QR Payment Quarter when ineligibility occurs after the QR Data Month but prior to the authorization of aid (see Section 40-171.221). This person's income and needs, as reported on the QR 7, shall be treated in accordance with Section 44-133.5 for the next QR Payment Quarter and the AU shall be discontinued at the end of that quarter in which the individual was treated as an excluded person, if the subsequent QR 7 establishes that ineligibility continues to exist for the AU.

(SAR)

A new person who has been mandatorily reported on the SAR 7 and determined eligible based on the information provided, shall be treated as an excluded person for the next SAR Payment Period when ineligibility occurs after the SAR Data Month but prior to the authorization of aid (see Section 40-171.221). This person's income and needs, as reported on the SAR 7, shall be treated in accordance with Section 44-133.5 for the next SAR Payment Period and the AU shall be discontinued at the end of that SAR Period in which the individual was treated as an excluded person, if the following SAWS 2 establishes that ineligibility continues to exist for the AU.

(a)

Section 82-832.3(a)(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(SAR)

If a new person is mandatorily reported on the SAWS 2 and ineligibility occurs before the redetermination is processed and aid is authorized, the new person shall not be added to the AU. Furthermore, if the new person is found to make the entire AU ineligible, aid will be discontinued for the entire AU at the end of the SAR Payment Period in which the new person was mandatorily reported. (See section 40-105.1 for applicant and recipient reporting responsibilities and county action.)

HANDBOOK BEGINS HERE

Handbook Section 82-832.3(QR) shall become inoperative and Handbook Section 82-832.3(SAR) shall become operative in a county on the date SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Example:

An AU is aided based on absent parent deprivation. The current QR Payment Quarter is January/February/March. In January, the absent father returned to the home and is reported for the first time on the QR 7 for the Data Month of February. The father, who was determined to be the principal earner, was receiving UIB in the first month (January) and in the Data Month and was initially determined eligible as an unemployed parent based on the QR 7 information. However, when the county completed the interview in the Submit Month, it was learned that the father had accepted a full-time job in the Submit Month of March. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established prior to the authorization of aid for the father, the county shall deny aid to the father in accordance with Section 40-171.221(g) and instruct the AU to report the father's full-time employment on the QR 7 due in June (for May). Because ineligibility for the father has occurred after the QR Data Month but prior to the authorization of aid, his reasonably anticipated income as reported on the QR 7 for February, and his needs shall be treated as those of an excluded person in accordance with Section 44-133.5 for the next QR Payment Quarter. The existing AU's deprivation is not affected until the father's full-time employment that occurred mid-quarter (in March) is reported on the subsequent QR 7. If the subsequent QR 7 establishes that ineligibility exists for the AU, the county shall discontinue cash aid at the end of that quarter once timely and adequate notice has been provided.

(SAR) Example 1:

An AU is aided based on absent parent deprivation. The current SAR Payment Period is January through June. In March, the absent father returned to the home and is reported for the first time on the SAR 7 for the Data Month of May. The father, who was determined to be the principal earner, was receiving UIB in the Data Month and was initially determined eligible as an unemployed parent based on the SAR 7 information. However, when the county completed the interview in the Submit Month, it was learned that the father had accepted a full-time job in the Submit Month of June. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established prior to the authorization of aid for the father, the county shall deny aid to the father in accordance with Section 40-171.221(g) and instruct the AU to report the father's full-time employment on the SAWS 2 due in December (for November). Because ineligibility for the father has occurred after the SAR Data Month but prior to the authorization of aid, his reasonably anticipated income as reported on the SAR 7 for May, and his needs shall be treated as those of an excluded person in accordance with Section 44-133.5 for the next SAR Payment Period. The existing AU's deprivation is not affected until the father's full-time employment that occurred mid-period (in June) is reported on the subsequent SAWS 2. If the subsequent SAWS 2 establishes that ineligibility exists for the AU, the county shall discontinue cash aid at the end of that SAR Period once timely and adequate notice has been provided.

(SAR) Example 2:

An AU is aided based on absent parent deprivation. The current SAR Payment Period is January through June. In March, the absent father returned to the home and is reported for the first time on the SAWS 2 in June. The father, who was determined to be the principal earner, was receiving UIB at the time the SAWS 2 was completed and was initially determined eligible as an unemployed parent based on the SAWS 2 information. However, when the county completed the interview in the Submit Month, it was learned that the father had accepted a full-time job. Since the principal earner has accepted full-time employment and deprivation due to unemployment was not established prior to the authorization of aid for the father, the county shall deny aid to the father in accordance with Section 40-171.221(g). Furthermore, since the AU no longer meets the deprivation requirements to be eligible for aid, the entire AU will be discontinued effective June 30, with timely and adequate notice.

HANDBOOK ENDS HERE

[Previous cite: 44-206]

Authority cited: Sections 10553, 10554, 10604, 11270, and 11369, Welfare and Institutions Code.

Reference: 8 CFR 213a. and 299; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11263.5, 11265.1, 11265.2, 11265.3, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5, 11450, 11450.5, 11454, 11454.5, 11477, 11477.02, 11486, and 11486.5, Welfare and Institutions Code; and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 89-110 to read:

89-110 MAXIMUM AID PAYMENT (MAP) LEVEL AND MAP RESTRICTION 89-110

HANDBOOK BEGINS HERE

- .1 MAP Amount See Section 44-315.321, Handbook for the MAP levels in effect as of 7/1/2012.

HANDBOOK ENDS HERE

- .2 Exempt and Nonexempt AUs The CWD shall determine whether an AU is an Exempt or Nonexempt AU for purposes of the MAP amounts specified in Section 44-315.311 by using the rules in this section. (Continued)

- .26 Review of AU Exemption Status The CWD shall review AU exemption status when:

- .261 WTW Exemption An AU member is determined exempt from WTW due to incapacity as specified in Section 42-712.44 or care of another individual in the household as specified in Section 42-712.46.

- .262 Section 89-110.262(QR) shall become inoperative and Section 89-110.262(SAR) shall become operative in a county on the date that SAR becomes effective in that county, pursuant to the County's SAR Declaration.

- (QR) Quarterly Eligibility Report Received The county processes the Quarterly Eligibility Report submitted by the AU.

- (SAR) Semi-Annual Eligibility Report Received The county processes the SAR 7 or the SAWS 2 submitted by the AU.

- .263 Application or Add Person (Continued)

- .27 Exempt AU Status The CWD shall consider that an AU is an Exempt AU when, on or after application for CalWORKs, the AU meets the rule in Section 89-110.21 and is also eligible for CalWORKs or, for RCA AUs, eligible for RCA. (Continued)

.28		Section 89-110.28(QR) et seq. shall become inoperative and Section 89-110.28(SAR) shall become operative in a county on the date that SAR becomes effective in that county, pursuant to the County's SAR Declaration.
(QR)	Use of Exempt/Nonexempt Amount	The county shall use the Exempt or Nonexempt AU MAP corresponding to the AU's MAP status that is reasonably anticipated for the QR Payment Quarter. (Also see Sections 89-110.291(QR) and .292(QR).)
(SAR)	Use of Exempt/Nonexempt Amount	The county shall use the Exempt or Nonexempt AU MAP corresponding to the AU's MAP status that is reasonably anticipated for the SAR Payment Period. (Also see Sections 89-110.291(SAR) and 89-110.292(SAR).)
.29		When the AU status changes between exempt and nonexempt, the county shall change the MAP status effective as follows:
.291		Section 89-110.291(QR) shall become inoperative and Section 89-110.291(SAR) shall become operative in a county on the date that SAR becomes effective in that county, pursuant to the County's SAR Declaration.
(QR)		If the change is reported on the QR 7, the change in status shall be effective the first day of the next QR Payment Quarter.
(SAR)		If the change is reported on the SAR 7 or the SAWS 2, the change in status shall be effective the first day of the next SAR Payment Period.
.292		Section 89-110.292(QR) shall become inoperative and Section 89-110.292(SAR) shall become operative in a county on the date that SAR becomes effective in that county, pursuant to the County's SAR Declaration.
(QR)		If the change is reported mid-quarter and the change in status will increase cash aid as specified in Section 44-316.31(QR), the change in status shall be effective the first day of the

month following the report of the change when verification has been provided.

(SAR)

If the change is reported mid-period and the change in status will increase cash aid as specified in Section 44-316.31(SAR), the change in status shall be effective the first day of the month following the report of the change when verification has been provided.

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.3 Handbook Section 89-110.3(QR) shall become inoperative and Handbook Section 89-110.3(SAR) shall become operative in a county on the date that SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Examples of Exempt and Nonexempt AUs, Financial Eligibility Determination, Quarterly MAP Status Determination, and Mid-Quarter MAP Status Changes

(SAR) Examples of Exempt and Nonexempt AUs, Financial Eligibility Determination, Semi-Annual MAP Status Determination, and Mid-Period MAP Status Changes

.31 (Continued)

.32 Determining MAP Status for Applicants

Handbook Section 89-110.32(QR) Example 11 shall become inoperative and Handbook Section 89-110.32(SAR) Example 11 shall become operative in a county on the date that SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Example 11 – Determining MAP Status for Applicants

(QR) An initial application is made January 4 for an AU consisting of a father and two children. The applicant AU is placed in a January/February/March quarter. When applying for aid, the father was in receipt of SSI/SSP. The SSI/SSP ends on February 28. Since the MAP status is determined prospectively for the entire quarter based on the applicant's status at the time application is approved, the county uses the Exempt MAP to determine financial eligibility and cash aid for the entire quarter.

(SAR) Example 11 – Determining MAP Status for Applicants

(SAR) An initial application is made January 4 for an AU consisting of a father and two children. The applicant AU is placed in a January through June SAR Payment Period. When applying for aid, the father was in receipt of SSI/SSP. The SSI/SSP ends on February 28. Since the MAP status is determined prospectively for the entire

period based on the applicant's status at the time application is approved, the county uses the Exempt MAP to determine financial eligibility and cash aid for the entire SAR Payment Period.

.33 Determining MAP Status for Recipients

Handbook Section 89-110.33(QR) Example 12 through 16 shall become inoperative and Handbook Section 89-110.33(SAR) Example 12 through 16 shall become operative in a county on the date that SAR becomes effective in that county, pursuant to the County's SAR Declaration.

(QR) Example 12 – Determining Status for Recipients

(QR) An existing AU is in an October/November/December quarter. On the November QR 7, the recipient reported the receipt of SDI in the Data Month. The county verifies the recipient's QR 7 information and uses the Exempt MAP status to determine financial eligibility and cash aid for the next QR Payment Quarter.

(SAR) Example 12– Determining Status for Recipients

(SAR) An existing AU is in a July through December SAR Payment Period. On the November SAR 7, the recipient reports the receipt of SDI in the Data Month. The county verifies the recipient's SAR 7 information and uses the Exempt MAP status to determine financial eligibility and cash aid for the January through June SAR Payment Period.

(QR) Example 13 – Late Discovery Due to Client's Failure to Timely Report

(QR) The AU consists of a parent and his child. The AU is in an April/ May/June quarter. The father starts receiving SDI in May but does not report the information on the QR 7. On July 2, the father voluntarily requests mid-quarter review of his status and provides the appropriate verification of his exempt status. The first month the Exempt MAP status is effective is August. Section 89-110.271 provides that the MAP status change shall not be effective for any months prior to a request for review when the status change results from a request for review and Section 89-110.292(QR) provides that increases to aid due to a recipient mid-quarter voluntary report are not effective until the first of the month following the report.

(SAR) Example 13 – Late Discovery Due to Client's Failure to Timely Report

(SAR) The AU consists of a parent and his child. The AU is in an April through September SAR Payment Period. The father starts receiving SDI in the Data Month of August but does not report the information on the SAR 7. On October 2, the father voluntarily requests mid-period review of his status and provides the appropriate verification of his exempt status. The first month the Exempt MAP status is effective is November. Section 89-110.271 provides that the MAP status change

shall not be effective for any months prior to a request for review when the status change results from a request for review and Section 89-110.292(SAR) provides that increases to aid due to a recipient mid-period voluntary report are not effective until the first of the month following the report.

(QR) Example 14 – Late Discovery Due to Administrative Error

(QR) The AU consists of a mother and her child. The AU is in an April/May/June quarter. The mother's SDI benefits end on May 11 and the mother no longer qualifies for the Exempt MAP status. The AU reports the information correctly on their May QR 7 due in June. However, the county incorrectly processes the QR 7 and continues to use the Exempt MAP status for the July/August/September quarter. In July, the county discovers the error. Since the effective date of the MAP status change for the QR Payment Quarter was July 1, the county shall take mid-quarter action to correct the error. The county shall recompute eligibility and cash aid for the entire QR Payment Quarter using the nonexempt status. The county shall recompute aid for the remaining months of the quarter and shall make an overpayment or underpayment determination for the month of July.

(SAR) Example 14 – Late Discovery Due to Administrative Error

(SAR) The AU consists of a mother and her child. The AU is in a January through June SAR Payment Period. The mother's SDI benefits end on May 11 and the mother no longer qualifies for the Exempt MAP status. The AU reports the information correctly on their May SAR 7 due in June. However, the county incorrectly processes the SAR 7 and continues to use the Exempt MAP status for the July through December SAR Payment Period. In July, the county discovers the error. Since the effective date of the MAP status change for the SAR Payment Period was July 1, the county shall take mid-period action to correct the error. The county shall recompute eligibility and cash aid for the entire SAR Payment Period using the nonexempt status. The county shall recompute aid for the remaining months of the SAR Payment Period and shall make an overpayment or underpayment determination for the month of July.

(QR) Example 15 – Mid-Quarter Status Review Request

(QR) An existing AU, a father and his child, is in an April/May/June quarter. Eligibility and cash aid for this quarter has been determined using the February QR 7 information. On May 15, the recipient voluntarily reports mid-quarter that they began receiving SDI in lieu of their full time job on May 7. The recipient provides the necessary verification within 10 days of the report. The county determines that this voluntary mid-quarter report will increase cash aid (see Section 44-316.31(QR)). The county changes the recipient's MAP status for the AU from Nonexempt MAP to Exempt MAP beginning in June and will continue to use the status until the AU reports a status change on either the QR 7 or a mid-quarter report.

- (SAR) Example 15 – Mid-Period Status Review Request
- (SAR) An existing AU, a father and his child, is in a January through June SAR Payment Period. Eligibility and cash aid for this period has been determined using the December SAR 7 information. On April 15, the recipient voluntarily reports mid-period that they began receiving SDI in lieu of their full time job on April 7. The recipient provides the necessary verification within 10 days of the report. The county determines that this voluntary mid-period report will increase cash aid (see Section 44-316.31(SAR)). The county changes the recipient's MAP status for the AU from Nonexempt MAP to Exempt MAP beginning in May and will continue to use the exempt MAP status until the AU reports a status change on either the SAR 7, SAWS 2 or a mid-period report.
- (QR) Example 16 – Mid-Quarter Voluntary Report to Add a Person
- (QR) An AU of one, a pregnant woman only case, is in an October/November/December quarter. The AU has been receiving aid based on exempt MAP status in accordance with Section 89-110.213. On November 5, the mother voluntarily reports the birth of the child and requests aid for the child. When determining the eligibility to add the child December 1, the county determines that the potentially "new AU" (the existing AU and the added person) does not meet exempt MAP status. The county uses the Nonexempt MAP status to determine if the child is CalWORKs eligible and if the newborn's addition into the existing AU increases the grant. If the newborn increases cash aid for the existing AU, the Nonexempt MAP status shall be effective December 1 and will continue until a change in status is reported on either a QR 7 or a mid-quarter report.
- (QR) If the newborn's addition into the AU would decrease cash aid, the Nonexempt MAP status shall be effective the first day of the next QR Payment Quarter and will continue until a change in status is reported on either a QR 7 or a mid-quarter report.
- (SAR) Example 16 – Mid-Period Voluntary Report to Add a Person
- (SAR) An AU of one, a pregnant woman only case, is in an October through March SAR Payment Period. The AU has been receiving aid based on exempt MAP status in accordance with Section 89-110.213. On November 5, the mother voluntarily reports the birth of the child and requests aid for the child. When determining the eligibility to add the child December 1, the county determines that the potentially "new AU" (the existing AU and the added person) does not meet exempt MAP status. The county uses the Nonexempt MAP status to determine if the child is CalWORKs eligible and if the newborn's addition into the existing AU increases the grant. If the newborn increases cash aid for the existing AU, the Nonexempt MAP status shall be effective December 1 and will continue until a change in status is reported on the SAR 7, SAWS 2, or a mid-period report.

(SAR) If the newborn's addition into the AU would decrease cash aid, the baby will be added to the AU and the Nonexempt MAP status shall not be effective until the first day of the next SAR Payment Period and will continue until a change in status is reported on the SAR 7, SAWS 2, or a mid-period report.

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.4 Relocation Family Grant (Continued)

Authority cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11265.1, 11265.2, 11265.3, 11450.01, 11450.015, 11450.03, and 11450.5, Welfare and Institutions Code; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Memorandum of Decision and Order in Green v. Anderson, (Civ. S-92-2118) dated January 28, 1993; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 89-201 to read:

89-201 MINOR PARENT REQUIREMENT (Continued) 89-201

- .3 Referral (Continued)
- .31 Discontinuance of Minor Parent If the minor parent is determined to be ineligible for CalWORKs, the eligibility worker shall notify CWS of the minor's discontinuance.
- .4 Payee (Continued)
- .41 Adult Refusal (Continued)
- .42 Minor Parent Refusal
or Failure to Cooperate If the minor parent refuses or fails to cooperate in obtaining verification of the adult's consent or refusal to act as payee on his/her behalf, the minor parent's AU is ineligible for CalWORKs.
(Continued)
- .44 Documentation (Continued)
- .441 The payee understands that these CalWORKs payments are for the support of the minor parent and his/her dependent child(ren); and
(Continued)
- .445 (Continued)

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- .45 Example 1:
- A minor parent applies for CalWORKs for herself and her dependent child. The minor states her parents are divorced and living at different residences. The minor states that her mother forced her and her child out of the home and will not allow them to return. Further, the minor states that she has not lived with her father (the other senior parent) for over 12 months.
- The minor provides a statement from her mother that the minor had been living with her for the past two years, but that she will no longer allow the minor and child to live with her. Since the minor meets the exemption for each senior

parent, the county will: (1) not apply the Minor Parent Requirement, and (2) grant aid to the minor parent and/or her child if they are otherwise eligible, and (3) refer the case to CWS for Minor Parent services.

.46 Example 2:

A minor parent applies for CalWORKs for herself and her dependent child. The minor parent states that she has been living with a friend for the past three months.

The minor parent states that her mother forced her to move out of the home and will not allow her to return. The minor's friend told her that she needs to find another place to live by the end of the month.

The minor parent is unable to obtain a statement from her mother confirming that she is not allowed to return to the parent's home. In a collateral call to the minor parent's mother, the mother indicates that her daughter ran away from home three months ago and refuses to return. The mother indicates that she is willing to allow the minor parent and her dependent child to live with her. The minor parent then states that she fears for her safety and the safety of her dependent child if she returns to her mother's home. A child protective services worker completes an evaluation of the mother's home and determines that there would be no risk to either the minor parent or her dependent child if they were to live with the minor's parent.

Since the minor parent does not meet any of the exemption criteria, she and her dependent child must live with her parent, legal guardian, or other adult relative to be eligible for CalWORKs. The minor parent refuses to return to her mother's home and no other adult relative will allow her to live with him/her. The minor parent and child are not eligible for CalWORKs and the application is denied.

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.5 Senior Parent Income

In cases where the minor parent lives with his/her parent(s), the income and needs of the senior parent(s) shall be considered. Eligibility and grant amount for senior parent/minor parent cases shall be determined in accordance with Sections 44-133.5, 44-207 and 44-315 as appropriate, based on the specific circumstances of the case.

.51 Senior Parent/Minor Parent
Eligibility and Grant Amount

When considering income of the senior parent(s), pursuant to Sections 44-133.5, 44-207 and 44-315, and that income does not result in ineligibility of the minor and his/her child(ren), and: (Continued)

.513 Grant Amount

The income of the senior parent(s) shall be considered and the actual grant amount calculated pursuant to Section 44-315.3.

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(a) Example:
Eligible Minor
Parent in own AU

The persons residing together are the senior parent, her minor daughter (minor parent) and her minor daughter's child. The senior parent is not in the AU. The senior parent earns \$1,025 per month. The minor parent has no income. The family resides in Region 1 and is nonexempt.

The eligibility/grant computation is as follows:

\$1,025	Reasonably Anticipated Family Earned Income
- 112	\$112 Earned Income Disregard
\$ 913	
- 456	50% Earned Income Disregard*
\$ 456	Net Nonexempt Income*
\$ 638	MAP for an AU of Three
- 456	Total Net Nonexempt Income
\$ 182	Potential Grant
\$ 516	MAP for an AU of Two
\$ 182	Actual Grant Amount (lesser of potential grant or AU MAP)

* 50% Earned Income Disregard and Net Nonexempt Income must be rounded down to the nearest dollar amount: MPP Section 44-315.34

(b) Example:
Eligible Minor
Parent in AU
of Senior Parent(s)

Minor parent lives with both her parents. The senior parents are in the AU with the minor parent and the minor's child. One senior parent earns \$900 per month. The other senior parent earns \$400 per month and receives \$125 in State Disability Insurance benefits. The minor parent has no income. The AU is nonexempt and resides in Region 1.

The eligibility/grant computation is as follows:

\$ 125	Reasonably Anticipated Monthly Disability-Based Unearned Income
- <u>225</u>	\$225 Disability-Based Unearned Income (DBI) Disregard
<u>0</u>	Net Disability-Based Unearned Income
\$ 100	Remainder of \$225 DBI Disregard
\$ 1,300	Reasonably Anticipated Monthly Family Earned Income
- <u>100</u>	Remainder of \$225 DBI Disregard
\$ 1,200	
- <u>600</u>	50% Earned Income Disregard
\$ 600	Net Nonexempt Earned Income
+ <u>0</u>	Other Nonexempt Unearned Income
\$ 600	Total Net Nonexempt Income
\$ 762	MAP for an AU of Four
- <u>600</u>	Net Nonexempt Income
\$ 162	Grant Amount

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.6 Minor Meets Exemption (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statutes of 2011), Section 42.

Reference: Sections 11008.14, 11017, 11254 (Ch. 1022, Stats. 2002), 11450, 11451.5, 11453, and 16506(d), Welfare and Institutions Code; 42 USCA 608(a)(5).